SUPREME COURT, U.S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-1187

MICHELE MARCHESE, PETITIONER

v.

ANGUS D. MCEACHEN, CHIEF UNITED STATES PROBATION OFFICER, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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Petitioner brought this action in the United States District Court for the Central District of California seeking a declaration that, after his release from prison in July 1969 he could not, as the government contended, be deemed on parole under 18 U.S.C. 4164 for the period of "good-time" deductions. He claimed that narcotic offenders, who could not obtain probation or parole, should not be subjected to the conditions of parole for the period of release on good-time, and that the three and a half year period during which he was out on bail pending the government's

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appeal from a reduction of sentence[1] should be counted to reduce the amount of time he should spend on parole.

The district court dismissed the complaint and the court of appeals affirmed in an opinion on which we rely (Pet. App. A).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

MAY 1972.

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[1] The reduction in sentence was subsequently held to be invalid. 341 F. 2d 782, certiorari denied, 382 U.S. 817; 378 F. 2d 16, certiorari denied, 389 U.S. 990.